

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA,  
SOUTHERN DIVISION

01 JAN -8 AM 9:57

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

JAMES McCONICO, JR.,

Petitioner,

vs

WARDEN BILLY MITCHEM, et al,

Respondent(s).

CIVIL ACTION NO. 00-PT-2615-S

ENTERED  
JAN 8 2001

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice to enable the petitioner to exhaust completely his state court remedies. An appropriate order will be entered.

DONE, this 8<sup>TH</sup> day of January, 2001.

  
ROBERT B. PROPST,  
UNITED STATES DISTRICT JUDGE

10